

COMBATING GRAFFITI

*“Reclaiming the Public Spaces
of
New York”*



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INTRODUCTION

The New York City Police Department in keeping with its pledge to aggressively pursue and apprehend quality of life offenders, is focusing on graffiti vandals. Precinct, Police Service Area and Transit District Commanding Officers will identify the Special Operations Lieutenant as the local Anti-Graffiti Coordinator who will oversee enforcement, clean-up, and education efforts regarding graffiti.

The Police Department cannot act alone.

The purpose of this booklet is to provide you with helpful information about graffiti, including types of graffiti, applicable laws enacted to address this quality of life concern and city resources available to you and the public to remove graffiti.

The programs that have been most successful are those that combine community action, targeted enforcement, youth involvement and the utilization of all available civil and criminal remedies.

Your input and involvement is necessary to have an impact on the graffiti problem.

WHAT IS GRAFFITI?

Graffiti or “tagging” as it is commonly referred to on the street, is the etching, painting, covering or otherwise placing a mark upon public or private property, with the intent to damage such property. Graffiti can either be painted or applied with a marker, crayon, pencil, pen, or other homemade tool. Some vandals etch their tags into plastic, glass, metal, or wood surfaces with a drill bit, metal object, sandpaper, or a rock.

TYPES OF GRAFFITI:

Hate graffiti: is the making of any offensive slogans, or symbols towards a person’s race, color, religion, ethnicity, culture, or sexual orientation.

Gang Graffiti: Gangs use graffiti to mark territory, send warnings to rivals or for economic gain. It may include letters, symbols, or numbers known to gangs and law enforcement agencies.

Satanic Graffiti: appears throughout the City illustrating occult and satanic symbols. Pentagrams, crosses, inverted chalices, satanic words, and skeletal figures are a few examples of this category of graffiti.

Street Graffiti: consists of “tags,” “throw-ups,” and “pieces.” A “tag” is the vandal’s street signature, applied quickly and repetitively. A “throw-up” is a more elaborate version. A “piece,” short for “masterpiece,” is a large mural-like drawing.

Generic Graffiti: includes random markings, declarations of love, graduation events- “Class of 2005”- and other non-threatening messages.

GRAFFITI IS A CRIME

Graffiti vandalism is a crime punishable by a jail term, monetary fine and/or community service. Any person caught defacing property without the express permission of the owner will be arrested.

Once considered a small problem caused by a handful of teenagers, graffiti has erupted into a nationwide epidemic costing billions of dollars each year.

Statistics reveal that graffiti is not just committed by juveniles, adults have also been apprehended.

Graffiti has also been related to drug and gang violence as well as the occult.

Call 9-1-1 for Crimes in Progress
Call 3-1-1 to Provide Information regarding Graffiti
Vandalism

LAWS TO COMBAT GRAFFITI

NEW YORK CITY ADMINISTRATIVE CODE

SECTION 10-117 Subdivision:

(a) penalizes acts commonly known as graffiti vandalism. (NYC Penal Law section 145.60 “Making Graffiti,” a Class A misdemeanor, prohibits the same conduct.)

(b) bans anyone possessing aerosol spray paint or broad tipped indelible markers in a public building or facility with the intent to make graffiti. (Penal Law section 145.65 “Possession of Graffiti Instruments,” a Class B misdemeanor, penalizes same conduct except it is not confined to a public building or facility. Anyone intending to make graffiti anywhere may be convicted.)

(c) restricts the sale of these items to persons under eighteen years of age

(d) prohibits sellers of aerosol spray paint and indelible markers from displaying these items in their stores.

(Only facsimiles which do not contain paint, ink or etching acids may be displayed.)

Violations of subdivisions (c) and (d) are punishable by civil penalties of up to five hundred dollars (\$500.00).

NOTE: It is the policy of the New York City Police Department not to issue Desk Appearance Tickets to persons (age 16 years and over) arrested for violating Penal Law section 140.00, Criminal Mischief in the fourth degree and Penal Law Section 145.60, Making Graffiti. This means that a person arrested for these crimes will be processed through Central Booking for a later court arraignment. Moreover, no person arrested for Felony Criminal Mischief is eligible for a Desk Appearance Ticket.

The New York State Penal Law sections 145.00, 145.05, 145.10, and Criminal Mischief, may also be charged against someone making graffiti.

Criminal Mischief: depends on the dollar value of the property damaged.

Fourth Degree: Class A misdemeanor.

Third Degree: Class E felony. Damaging property valued at more than two hundred fifty dollars (\$250.00).

Second Degree: Class D felony. Damaging property valued at more than fifteen hundred dollars (\$1,500.00).

Additionally, other laws providing for parental liability for the malicious acts of their children may also be used to combat graffiti, such as:

New York State General Obligations Law Section 3-112, provides that a parent or other lawful guardian of a child older than ten years of age, but less than eighteen years of age, shall be liable for the damage caused by any such child who willfully, maliciously, or unlawfully damages or destroys real or personal property owned or maintained by another.

New York State General Municipal Law, Section 78-a, Education Law sections 1604, 1709, 2503, 2554, and 2590-g, and Executive Law section 171 give this same right to various governmental actors having control over public property. These sections permit public officers to bring a civil action to recover damages up to two thousand five hundred dollars (\$2,500.00) from the parents of children over ten years of age, but under eighteen years of age, who damage public property with graffiti.

CITY-WIDE VANDALS TASK FORCE

The Police Department has established a City-Wide Vandals Task Force. The Task Force will create and implement the strategies and tactics for dealing with graffiti vandalism and defacement of public and private property. The Task Force will also administer the Graffiti Reward Program.

GRAFFITI REWARD PROGRAM

Members of the public are eligible for up to a five hundred dollars (\$500.00) reward for reporting graffiti vandalism in progress through **911** or providing information regarding graffiti vandalism to the City-Wide Vandals Task Force through **311**. The information must result in the arrest and conviction of individual(s) for violations of Administrative Code Provisions or Penal Law Statutes regarding graffiti vandalism. This program will be administered by the City-Wide Vandals Task Force.

REMOVING AND PREVENTING GRAFFITI

IF YOUR PROPERTY IS DEFACED WITH GRAFFITI

- Immediately report the incident to the police.
- Upon the completion of a police report, the prompt removal of the graffiti is suggested to prevent the long term display of the markings, and discourage the purpose of the vandalism.
- Experience has shown that prompt clean-up is an effective deterrent to the re-occurrence of the graffiti.
- Graffiti may be removed by several methods, such as:

Covering with paint

Washing with solvents

High pressure water sprays.

Other new processes used to prevent and remove graffiti are being developed. One process involves the use of recycled plastic fencing that reacts to commercial solvents, allowing the graffiti to wash off easily. Another process involves a non-stick graffiti coating that is water based and causes sprayed paint to bead up, making it an effective barrier against graffiti. Still another process uses a wax-like coating over freshly painted surfaces. When graffiti appears it is easily removed and the surface is recoated for continued protection.

Increasing overall lighting of an area discourages vandals. The installation of motion sensor lights or sprinklers in high out- of- reach areas also deters graffiti.

RESOURCES

The following agencies and organizations are involved in combating graffiti:

New York City Police Department

Deputy Commissioner, Community Affairs... (646) 610-5323
(Education, Training, and Outreach)

City-Wide Vandals Task Force.....(718) 714-3116
(Education and Enforcement)

To contact the following agencies or organizations, please call: 3-1-1

Mayor's Community Assistance Unit
(Provides paint and supplies)

Department of Consumer Affairs
(Enforcement of unlawful sale
and/or display of spray paint and markers)

Department of Cultural Affairs
(Art programs for young New Yorkers)

Department of Housing Preservation and Development
(Graffiti control in and on buildings)

Department of Parks and Recreation
(To report graffiti and illegal dumping)

Department of Sanitation
(Provides cleaning supplies)

Department of Transportation
(Clean-up of signs)

Department of Youth Services and Community Development
(Youth link programs, involve community based services)

Law Enforcement Explorers Program
(Assist in graffiti clean-up)

Police Athletic League, Inc. (P.A.L.)
(Assist in graffiti clean-up)

SAFE HORIZON
(Assist victims in applying for compensation)

United States Postal Service
(Adopt A Mailbox)
You can obtain brushes and paint by contacting
your local Post Office.



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PROFESSIONALISM
RESPECT